



METROPOLITAN DADE COUNTY, FLORIDA  
METRO-DADE FLAGLER BUILDING

TO: **Building Officials, Construction  
Industry & Interested Parties**

FROM: Francisco J. Quintana, R.A., Director

DATE: December 6, 1999

**BUILDING CODE COMPLIANCE OFFICE**  
METRO-DADE FLAGLER BUILDING  
140 WEST FLAGLER STREET, SUITE 1603  
MIAMI, FLORIDA 33130-1563  
(305) 375-2901  
FAX (305) 375-2908

**PRODUCT CONTROL SECTION**  
(305) 375-2902  
FAX (305) 372-6339

**SUBJECT: 2000 Schedule of Meeting Dates for the Unsafe Structures Board**

For your information, following is a yearly schedule of meetings for the Miami-Dade County Unsafe Structures Board for 2000. All meetings are held at the **Metro Dade Flagler Building, 140 West Flagler Street, 16th Floor, Conference Room 1605.**

Please note that the meetings of the **Unsafe Structures Board** will be held once a month on **Wednesdays** from **1:00 PM to 5:00 PM** as follows:

<b>January 19, 2000</b>	<b>July 19, 2000</b>
<b>February 16, 2000</b>	<b>August 16, 2000</b>
<b>March 15, 2000</b>	<b>September 20, 2000</b>
<b>April 19, 2000</b>	<b>October 18, 2000</b>
<b>May 17, 2000</b>	<b>November 15, 2000</b>
<b>June 21, 2000</b>	<b>December 20, 2000</b>



## UNSAFE STRUCTURES BOARD MINUTES OF JANUARY 19, 2000

**Members Present:** Harry Childs, Chairman Patricia Birch Kathy Babl-Loy  
Gordon Loader Walter Williams Orange Hayes  
Jose Vera James Cueva

**Excused:** Laurence Michelson

**Staff:** Theodore Berman, Clerk of the Board  
Bruce Libhaber, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Isabelle Seralnick, Official Court Reporting Services, Inc.

The regular meeting of the **UNSAFE STRUCTURES BOARD** was called to order at 1:23 P.M. on Wednesday, January 19, 2000, on the 16<sup>th</sup> Floor, Conference Room 1605, of the Metro-Dade Flagler Building at 140 W. Flagler Street, Miami-Dade, Florida 33130.

Mr. Childs then requested a motion to approve and accept the minutes of the December 15, 1999 Unsafe Structures Board Meeting. A motion was made by Mrs. Loy and seconded by Mr. Vera.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Childs opened the meeting with the acknowledgment of the Annual Review Report for 1999. A motion was made by Mrs. Loy to accept the report and Mr. Vera seconded the motion.

The next order of business of the Board was to vote for Chairperson and Vice-Chairperson of the Unsafe Structures Board. Mrs. Loy nominated Mrs. Birch for Chairperson, Mr. Williams seconded the motion.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mrs. Loy then nominated Mr. Loader for Vice-Chairperson of the Board, Mr. Williams seconded the motion.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mrs. Birch took over the meeting and then requested of Mr. Berman the cases that were agreed upon, uncontested, withdrawn or deferred.

Mr. Theodore Berman announced the following Miami-Dade County case **deferred** until the February 16, 2000 Board Hearing:

### **Miami-Dade County Case:**

DC199900669U

20721 N.W. 38 Avenue

Mr. Berman announced the following City of Miami cases **withdrawn per the Unit**:

**City of Miami Cases:**

M00-01	156 N.E. 77 Street
M00-02	221-23-25-27-31-33 N.W. 9 Street
M00-03	1110 N.W. 34 Street

Mr. Berman announced the following City of Coral Gables case **deferred** until the February 16, 2000 Board Hearing:

**City of Coral Gables Case:**

CG00-01	212 Grant Drive
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Mr. Berman then announced the following Miami-Dade County and City of Miami cases where **agreements** had been made with the Building Official:

**Miami-Dade County Cases:**

DC97-871U	13135 N.W. 27 Avenue
DC98-607U	1201 N.W. 1877 Street
DC98-816UT	3401 N.W. 211 Street
DC98-905U	7635 N.W. 14 Court
DC99-100U	11402 S.W. 190 Terrace Road
DC99-264U	13280 S.W. 192 Street
DC99-533U	17501 N.W. 54 Avenue
DC199900585U	12851 N.W. 13 Street
DC1999642U	237 N.W. 80 Street
DC199900721U	1460 N.W. 79 Street

**City of Miami Cases:**

M00-05	1618 N.W. 38 Street
M00-07	1736 N.W. 47 Street
M00-09	5640 N.E. Miami Place

Mr. Berman announced the following Miami-Dade County and City of Miami cases that were **uncontested/no show**:

**Miami-Dade County Cases:**

DC99-154UT	765 N.W. 77 Street
DC99-343U	10270 S.W. 171 Street
DC99-571U	1561 N.W. 73 Street
DC199900620U	16832 N.W. 41 Avenue

**City of Miami Cases:**

M00-04	1509 N.W. 65 Street
M00-06	1625 N.W. 62 Terrace
M00-08	5724-26 N.W. 12 Avenue

The cases and photographs were submitted to the Board for review as called by Mr. Berman.

After the Board reviewed each case file, Mrs. Birch requested a motion to consolidate the withdrawals, agreed and uncontested cases and uphold the decisions of the Building Official. The motion was made by Mr. Loader and seconded by Mrs. Loy.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mrs. Birch informed those appellants who were able to come to an amicable agreement with the Building Official that their agreements had been ratified by the Board and they were free to leave.

The Building Official's and Appellants being heard by the Unsafe Structures Board were sworn in at 1:50 P.M. by the court reporter.

Mrs. Birch then requested the first case to be heard by the Board.

Mr. Berman called forth the first case to be presented by the City of Miami Shores Village where a **family member** wished to speak on behalf of the property.

**City of Miami Shores:**

SH99-1	30 N.W. 106 Street
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Mr. Frank Lubien, the Building Official of Miami Shores introduced photographs and a case resume into evidence to be reviewed by the Board.

Mr. Lubien gave an account of the structure and recommended that "said structure be demolished by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code with a demolition permit obtained within thirty (30) days from today from the Unsafe Structures Unit. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, said structure shall be demolished by the City of Miami Shores Village as soon as possible."

Mr. Douglas Musselwhite, the grandson of the owner, stated that he has meet with an Certified Engineer who feels that the house does not meet demolition criteria. Mr. Musselwhite informed the Board that he wants to save the house. The windows are boarded up and he is doing everything to cooperate with the City of Miami Shores. He further informed the Board that he needs about 45 days to weigh his options because he has a prospective buyer in mind but, the fines on the structure exceeds \$100,000 and this may cause a problem.

Mr. Williams addresses counsel as to how time can they give the appellant.

Mr. Libhaber commented that the Board can administer as much time as necessary for the repairing of the structure, as long as they keep in mind that this order is placed upon the property and not for purposes of prospective buyers.

After some discussion, Mrs. Birch closed the floor for discussion and requested a motion of the Board. Mrs. Loy recommended that “the structure(s) are to be maintained secure, clean and sanitary. Free of debris, overgrown grass or weeds and free of discoloration or graffiti. The structure must be repaired or completed with Engineer’s Certification and Architect/Engineer’s sealed plans. A building permit must be obtained for all repairs or items to be completed. The permit documents shall first be submitted to the Unsafe Structures Unit for approval. The building permit must be obtained by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code within ninety (90) days from today. The completion or repair of said structure shall conform to the latest South Florida Building Code and shall be completed within ninety (90) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure shall be demolished by Miami Shores Village Building and Zoning as soon as possible.” Motion was seconded by Mr. Williams.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Berman then called forth the second case to be heard presented by Miami-Dade County where **the property owner’s son** wished to speak:

**Miami-Dade County:**

DC99-386U

29920 S. Federal Highway

Deputy Building Official Edward Villareal introduced photographs and a case resume into evidence to be reviewed by the Board.

Mr. Villareal gave an account of the structures (A) and (C) and recommended that “said structure(s) are to be maintained secure, clean and sanitary, free of debris, overgrown grass or weeds and free of discoloration or graffiti. The structure must be repaired completed with Architect/Engineer’s sealed plans. A building permit must be obtained for all repairs and items to be completed. The permit documents shall first be submitted to the Unsafe Structures Unit for approval. The building permit must be obtained by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code within one hundred ninety (90) days from today. The completion or repair of said structure shall conform to the latest South Florida Building Code and shall be completed within one hundred twenty (120) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure shall be demolished by the County as soon as possible and the structure must have asbestos testing as per the South Florida Building Code.”

Mr. Villareal proceeded to read the criteria for structure (B) and recommended that “said structure (B) be demolished by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code with a demolition permit obtained within thirty (30) days from today from the Unsafe Structures Unit. All debris resulting from the

demolition shall be removed from the premises. If any of the above conditions are not complied with, said structure shall be demolished by the County as soon as possible.”

The owner’s son, Abe Ng, stated that the property was bought in 1994 and now they plan to sell the property and he has letters of intent from prospective buyers. Mr. Ng admitted that there are vandals and vagrants that frequent the property but, explained to the Board that he will do whatever is necessary to keep the property secured. He informed the Board that he has no problem with demolishing structure (B) but, would like 90 days for the architect to come up with drawings and a total of 11 months to fully execute the project.

After some discussion, Mrs. Birch requested a motion. A motion was made by Mr. Loader that “said structures (A) and (C) are to be maintained secure, clean and sanitary, free of debris, overgrown grass or weeds and free of discoloration or graffiti. The structures must be repaired or completed with Engineer’s Certification and Architect/Engineer’s sealed plans. A building permit must be obtained for all repairs and items to be completed. The permit documents shall first be submitted to the Unsafe Structures Unit for approval. The building permit must be obtained by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code within one hundred twenty (120) days from today. The completion or repair of said structure shall conform to the latest South Florida Building Code and shall be completed within one hundred twenty (120) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure shall be demolished by the County as soon as possible and the structure must have asbestos testing as per the South Florida Building Code.”

Mr. Loader then recommended that “said structure (B) be demolished by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code with a demolition permit obtained within thirty (30) days from today from the Unsafe Structures Unit. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, said structure shall be demolished by the County as soon as possible.” These motions were seconded by Mr. Williams.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Berman called forth the last case to be presented to the Board from Miami-Dade County where the property owner expressed her concerns:

**Miami-Dade County:**

DC97-930U

8465 N.W. 182 Street

Deputy Building Official Julio Navarro introduced photographs and a case resume into evidence to be reviewed by the Board.

Mr. Navarro gave an account of the structures and recommended that “said structures (A) and (B) be secured within five (5) working days. The following securing method is approved: fencing. The structures are to be maintained secure, clean and sanitary, free of debris, overgrown grass or weeds and free of discoloration or graffiti. The structures must be repaired completed with Architect/Engineer’s sealed plans. A building permit for structures (A) and (B)

must be obtained for all repairs and items to be completed. The permit documents shall first be submitted to the Unsafe Structures Unit for approval. The building permit must be obtained by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code within one hundred sixty (60) days from today.

The completion or repair of said structure (A) shall conform to the latest South Florida Building Code and shall be completed within one hundred fifty (150) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure shall be demolished by the County as soon as possible and the structure must have asbestos testing as per the South Florida Building Code.”

The complete building or structure for (B) shall be made to conform to all the requirements for a new building or structure and shall be completed within one hundred fifty (150) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure shall be demolished by the County as soon as possible.”

Because the property owner did not speak English very well, the County Attorney requested that Mr. Berman interpret for her.

Property owner, Mrs. Maria Loscalzo stated that she lives adjacent to the property in question. She has a friend who needed a place to go living in the house because she had no where to go. Mrs. Loscalzo is asking the Board to give her one-year to renovate the house with the help of her son who has the funds to repair it. She promised the members that she will do everything according to Code.

Throughout some discussion, Mrs. Birch closed the floor for discussion and requested a motion of the Board. Mrs. Loy made a motion that “the structure must be vacated within fifteen (15) days from hearing date. The structure(s) are to be maintained secure, clean and sanitary. Free of debris, overgrown grass or weeds and free of discoloration or graffiti. The structure must be repaired or completed with Engineer’s Certification and Architect/Engineer’s sealed plans. A building permit must be obtained for all repairs or items to be completed. The permit documents shall first be submitted to the Unsafe Structures Unit for approval. The building permit must be obtained by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code within ninety (90) days from today. The completion of said structure (A) shall conform to the latest South Florida Building Code and shall be completed within three hundred sixty-five (365) days from today. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure (A) shall be demolished by the County as soon as possible.

And “the complete building or structure for structure (B) shall be made to conform to all the requirements for a new building or structure and shall be completed within three hundred sixty-five (365) days after obtaining the permit. The completion of said structure (B) shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure (B) shall be demolished by the County as soon as possible.” Mr. Vera seconded the motion.

**Motion passed 6 to 2. Mr. Childs and Mr. Loader were opposed.**

*(For a verbatim version, please refer to the transcripts)*

There being no further business, the meeting was adjourned at 3:21 P.M.

**Prepared by:** \_\_\_\_\_  
**Recording Secretary**

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**Chairperson**

**Date:** \_\_\_\_\_



# **MINUTES OF THE BOARD OF RULES AND APPEALS MEETING ON 04-13-00**

**Attendance:** Thomas Utterback, CH Richard Horton, VC William Riley Enrique Salvador  
Rolando Diaz Moshe Weitz Arnold Velazquez Carmen Garcia  
Robert Barnes John Kurzman Jesus M. Gomez

**Excused:** Edward Woodward Gregory Pierce Capt. William Strachan  
Steven L. Johns

**Absent:** Justin Manuel

**Staff Present:** Francisco J. Quintana, Secretary Yvonne Bell, Recording Secretary

**Court Reporter:** Dale Floyd

**Commenced at 1:16 p.m.**

## **Minutes of March 16<sup>th</sup>, 2000**

Mr. Utterback requested a motion to approve the minutes for the March 16<sup>th</sup>, 2000 meeting. Mr. Horton moved to approve the minutes and Mr. Velazquez seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

Mr. Utterback requested a motion of the Board to accept the Consent Agenda.

## **CONSENT AGENDA**

**APPEAL #1: TCC EXTENSION, PERMIT No. B9904688, Rosner**

**APPEAL #2: TCO EXTENSION, PERMIT No. 985013289, Firstenberger**

**APPEAL #3: TCC EXTENSION, PERMIT No. B9702391, Rodriguez**

**APPEAL #4: TCO EXTENSION, PERMIT No. 93278779, Garcia**

Mr. Velazquez moved to accept the Consent Agenda. Mr. Horton seconded the motion.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **APPEAL #1: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 4215 Alton Road, Subsection 304.3(e) of the SFBC, Renewal of Expired Permit**

Mr. Fred Mark stated that in 1994 he hired a contractor to replace the windows only to find out later that he was not a contractor, nor was a final inspection conducted for the windows. He further informed the Board that the windows had received Notice of Acceptance that expired in 1997.

After some discussion, Mr. Velazquez made a motion to grant the appeal based on the guidelines and recommendations of the City of Miami Beach. Motion seconded by Mr. Salvador.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **APPEAL #2: APPEAL OF BUILDING OFFICIAL'S DECISION: City of Miami Beach, 505 Washington Avenue & 1661 Washington Avenue, Section 302.2(3) of the SFBC, Submittal of Shoring/Reshoring Drawings**

Mr. Carter McDowell informed the members that this case is similar to previous projects that have come before the Board. He would like to be allowed to submit the shoring and reshoring drawings for the above-mentioned properties.

After some discussion, Mr. Weitz made a motion to grant the appeal based on prior appeals with the same situation. Motion seconded by Mr. Horton.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **TCO/TCC APPEAL**

### **APPEAL #1: TCC EXTENSION, PERMIT No. BCC000000048, City of Miami Beach, The Grand Flamingo – South Building, 1500 Bay Road**

Mr. Carter McDowell explained to the Board that the North Building is currently substantially completed and would need 90 to 120 days to complete. Mr. McDowell informed the members that tenants did have the opportunity to break their lease and denial of the TCC would be hurtful for those tenants who chose to stay.

Mrs. Jeri Goodkin, Senior Inspector for the City of Miami Beach, informed the Board that Mr. Richard McConahie conducted the inspection on the property and found only eight violations that are not life threatening to the tenants.

Mr. Howard Breckenridge stated that he is President of the Homeowner's Association and was representing 730 tenants of The Grand Flamingo. He informed the members that there are 466 units and it is impossible for AIMCO to complete the remaining issues within 60 days and would like the Board to reject another TCC extension for this structure. Mr. Breckenridge submitted a signed petition from the tenants stating they would like to break their lease due to the present conditions, which he characterized as life threatening.

Mr. Gary Kuhl stated that there are no life safety issues at the site and grievances that the tenants have should be addressed to the owner and not the contractors. He informed the members that the tenants were given 30 days to move if they were unhappy and out of the hundreds that reside at this location, only 50 took the offer. Mr. Kuhl further stated that they will be fully mobilized by the middle of next month. He anticipated that work within the building will be ready for final inspection within 120 days.

Mrs. Rhonda Montola stated that there is only one issue of concern and that is the trash chute.

After much discussion, Mr. Horton made a motion to grant a 60-day TCC extension. Motion seconded by Mr. Johns.

#### **Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

## **REPORTS**

### **Certification of Inspectors/Plans Examiners for April**

Mr. Salvador reported on the recommendations of the Certification Subcommittee and presented the following individuals for New Certification and Rejection for New-Certification:

The following individuals are being recommended for **approval** for **New Certification** for 2000.

<b>INSPECTOR:</b>	<b>REPRESENTING:</b>	<b>DISCIPLINES:</b>
Betancourt, Robert L.	Miami-Dade County	Plans Examiner (Mechanical)
Correa, Pedro A.	Miami-Dade County	Plans Examiner (Structural) Building Insp. (Structural)
Desharnais Sr., George W.	Sunny Isles Beach	Building Official
Lindgren Sr., Clifford J.	El Portal	Chief Inspector (Mechanical) Plans Examiner (Mechanical) Plans Examiner Mech. (Res.)
Macia, Eduardo	Miami Beach	Building Insp. (Structural)
Menendez, Tomas F.	Hialeah Gardens	Electrical Inspector Plans Examiner (Electrical)
Perez, Jan Pierre	North Bay Village	Plans Examiner Mech. (Res.) Plans Examiner (Mechanical) Mechanical Inspector
Romero, Marcos	Aventura	Roofing Insp. (Commercial) Roofing Inspector (Res.)

Romero, Marcos	Miami	Roofing Insp. (Commercial) Roofing Inspector (Res.)
Saez, Jose A.	Coral Gables	Mechanical Inspector
Soto, Mario	Miami-Dade County	Plans Examiner (Building)
Suleman, Christopher	Miami-Dade County	Building Insp. (Structural)
Urquiaga, Wilfredo	Miami-Dade County	Plumbing Inspector

Mr. Salvador then made a motion to grant New Certification to the individuals mentioned on the agenda. Motion seconded by Mr. Diaz.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

The following individual is being recommended for **rejection** for **New Certification** for 2000.

**INSPECTOR:**

**REPRESENTING:**

**DISCIPLINES:**

Rodriguez, Alberto

Miami

Plans Examiner (Mechanical)

**(Mr. Rodriguez must have a Miami-Dade County General Mechanical license for Plans Examiner.**

Mr. Salvador made a motion to reject Mr. Alberto Rodriguez for New Certification. Motion seconded by Mr. Velazquez.

**Motion carried unanimously.**

*(For a verbatim version of the aforementioned item, refer to the transcript.)*

**Meeting adjourned at 2:16 p.m.**

## UNSAFE STRUCTURES BOARD MINUTES OF MAY 17<sup>th</sup>, 2000

**Members Present:** Gordon Loader, Chairman      Harry Childs      James Cueva  
Laurence Michelson      Walter Williams      Kathy Babl-Loy

**Excused:** Orange Hayes      Jose Vera

**Staff:** Theodore Berman, Clerk of the Board  
Augusto Maxwell, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** William Rhodes, Official Court Reporting Services, Inc.

The regular meeting of the **UNSAFE STRUCTURES BOARD** was called to order at 1:15 P.M. on Wednesday, May 17<sup>th</sup>, 2000, on the 16<sup>th</sup> Floor, Conference Room 1605, of the Metro-Dade Flagler Building at 140 W. Flagler Street, Miami-Dade, Florida 33130.

Mr. Loader requested from Mr. Berman the cases that were agreed upon, uncontested, withdrawn or deferred.

Mr. Berman announced the following Miami-Dade County cases **withdrawn per Unincorporated Miami-Dade County and the City of Miami:**

### **Unincorporated Miami-Dade County Case:**

DC199901194U      1 Miad, Building #863

### **City of Miami Cases:**

M00-039      85 N.W. 47 Terrace  
M00-040      565 N.E. 69 Street

Mr. Berman then announced the following cases from Miami-Dade County and the City of Miami where **agreements** had been made with the Building Official:

### **Unincorporated Miami-Dade County Cases:**

DC98-129UT      2350 N.W. 175 Street  
DC98-391U      10724 S.W. 175 Terrace  
DC99-13UT      15944 S.W. 304 Terrace  
DC99-104UT      9970 Jamaica Drive  
DC99-127UT      5320 N.W. 30 Place  
DC99-220U      1727 N.W. 78 Street  
DC99-382U      715 N.W. 101 Street  
DC99-397U      12625 S.W. 45 Street  
DC99-472U      12035 N.W. 12 Street  
DC99-474U      12045 N.W. 12 Street  
DC99-508U      19572 N.W. 82 Place  
DC200002774U      8501 S.W. 185 Terrace

Mr. Berman then announced the following Miami-Dade County and City of Miami cases that were **uncontested/no show**:

**Unincorporated Miami-Dade County Cases:**

DC98-664U	15341 S.W. 297 Terrace
DC98-786UT	301 N.W. 82 Street
DC99-150UT	3102 N.W. 68 Street
DC99-353U	1831 N.W. 113 Terrace
DC99-383U	8020 N.W. 1 Place
DC199900597UT	3900 N.W. 95 Terrace
DC199900608U	3900 S.W. 128 Avenue
DC199900771U	28210-16 S.W. 143 Court
DC199900879UT	2119 N.E. 97 Street
DC199900949UT	311 N.E. 116 Street
DC199901175U	14281 Henderson Street

**City of Miami Cases:**

M00-034	7520 N.W. 3 Avenue
M00-038	1435 N.W. 67 Street
M00-041	1094 N.W. 28 Street
M00-042	1311 N.W. 28 Street
M00-043	2035 N.W. Flagler Terrace A/K/A 2028 N.W. 1 Street
M00-044	2040 N.W. 3 Street
M00-045	3245 N.W. 9 Avenue

The cases and photographs were submitted to the Board for review as called by Mr. Berman. After the Board reviewed each case file, Mr. Loader requested a motion to consolidate the withdrawals, agreed and uncontested cases and uphold the decisions of the Building Official. The motion was made by Mr. Childs and seconded by Mrs. Loy.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Loader informed those appellants who were able to come to an amicable agreement with the Building Official that the Board had ratified the agreements and they were free to leave.

The Building Officials and Appellants being heard by the Unsafe Structures Board were sworn in at 1:50 P.M. by the court reporter.

Mr. Loader then requested of Mr. Berman the first case to be heard by the Board.

Mr. Berman called forth the first case to be presented by the Village of Key Biscayne where the **Insurance Company** disagreed with the Building Official's recommendation for demolition:

**Village of Key Biscayne:**

VKB00-01	799 Crandon Boulevard
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Deputy Building Official Eugenio Santiago introduced photographs and a case resume into evidence to be reviewed by the Board.

Mr. Santiago stated that their first order of business was to shore the building, but the owner informed him that he could not get anyone to go inside the building due to the damage it had sustained, so therefore, the only alternative was to order demolition of the structure. He recommended that "said structure be demolished by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code with a demolition permit obtained within thirty (30) days from today from the Unsafe Structures Unit. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, said structure shall be demolished by the Village of Key Biscayne as soon as possible."

Mr. Eugene Stearns, Attorney for the Owner, gave a presentation to the Board and informed them that Ocean Tower was a year and a half into construction when the fire occurred. Mr. Stearns explained that the cabling to floors 3, 4, 5, 6 and 7 are gone, as well as, the garage are fully damaged. Mr. Stearns informed the Board that the cost of repairs exceed the entire value of the structure and agrees with the Building Official's order for demolition.

Mr. Peter Jones, Attorney for the Insurance Company, stated that there was no figure for repair on the Notice of Violation and they wanted to know how hot the fire was, in addition to having time to do an accurate assessment of the structure.

Mr. Ralph Leistikow gave a presentation to the Board showing that the fire was confined to floors 3 – 6 and feels that only 5% of the structure is damaged. He informed the members that he needed a month to obtain test results and prepare his case, since they only have 20% of their test results available.

Mr. Gregg Chachos from Cleveland, Ohio, stated that he was asked by Reliance to do an inspection and its in his opinion that the building was not was unsafe. He agreed that there was a substantial damage to the post-tension cables, but they were repairable.

Asst. County Attorney, Augusto Maxwell, asked the Insurance Company if they were requesting additional time.

Mr. Peter Jones, stated that there are no tests to prove that this structure is unsafe and therefore a deferment would be in everyone's best interest.

Mr. Eugenio Santiago stated that he is not opposed to a deferral.

Mr. Al Markez informed the Board that he is the general manager of Case Del Mar and he just wants the building to be as safe as possible for his tenants.

After much discussion, Mr. Loader requested a motion from the members. Mrs. Loy made a motion to uphold the Building Official's recommendation for demolition of the structure. Mr. Cueva, seconded the motion.

Mr. Loader then requested a roll call vote from Mr. Berman.

<b>Childs</b>	-	<b>Yes</b>	<b>Loy</b>	-	<b>Yes</b>
<b>Cueva</b>	-	<b>Yes</b>	<b>Loader</b>		<b>Yes</b>
<b>Williams</b>	-	<b>No</b>	<b>Michelson</b>	-	<b>Yes</b>

**Motion passed 5 to 1. (Mr. Williams was opposed).**

*(For a verbatim version, please refer to the transcripts)*

Mr. Berman then called forth the last case to be heard presented by the Unsafe Structures Unit of the Building Department of Miami-Dade County regarding the following:

**DC199901186U – Building #906**

Mr. Ricardo Roig informed the members that this case was deferred from the April 19<sup>th</sup> meeting and proceeded to read the agreement into the records.

**REPAIR (ENGINEER REPORT) (B.O. #3)**

Said structure(s) will be vacated within **thirty (30) days** and secured within **sixty (60) days** of the date of the Board Order. The following securing method is approved: Fencing. The structure(s) are to be maintained secure, clean and sanitary. In the event the property owner decides to maintain occupancy of the structure(s) during the repair period, the property owner will provide to the Building Official within **thirty (30) days** of the date of the Board Order a detailed report signed and sealed by a Florida registered professional engineer to the satisfaction of the Building Official that adequate precautions will be taken to ensure the safety of the occupants who will remain in the building while repairs are completed.

The Structure(s) must be repaired or completed. A building permit must be obtained for all repairs or items to be completed. The permit documents shall first be submitted to the Unsafe Structures Unit for approval. The building permit must be obtained by a licensed contractor pursuant to Section 10-5 (2) of the Miami-Dade County Code within **one hundred and twenty days (120)** from the date of the Board Order.

Within **one hundred and eighty days (180)** after obtaining the permit(s), the owner shall submit to the Building Official a report signed and sealed by a Florida registered professional engineer in accordance with Section 104.9 of the South Florida Building Code re-certifying the structural and electrical components of the buildings. In the event the 40-Year Re-certification report is not submitted to the Building Official, the building shall be demolished.

If any of the above conditions are not complied with, the Unsafe Structures Board shall retain jurisdiction to consider in its discretion any petition relating to the enforcement of this order. Any person aggrieved by a decision of the Unsafe Structures Board may seek judicial review of that decision in accordance with the Florida Rules of Appellate Procedure. The Board's retention of jurisdiction for this limited purpose shall also be without prejudice to Miami-Dade County's ability to pursue an alternate remedy in the Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida.





## UNSAFE STRUCTURES BOARD MINUTES OF JUNE 21<sup>st</sup>, 2000

**Members Present:** Gordon Loader, Chairman      Harry Childs      James Cueva  
Laurence Michelson      Walter Williams      Orange Hayes  
Jose Vera      Enrique Crooks

**Excused:** Kathy Babl-Loy

**Staff:** Theodore Berman, Clerk of the Board  
Augusto Maxwell, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Tom Bender, Official Court Reporting Services, Inc.

The regular meeting of the **UNSAFE STRUCTURES BOARD** was called to order at 1:15 P.M. on Wednesday, June 21<sup>st</sup>, 2000, on the 16<sup>th</sup> Floor, Conference Room 1605, of the Metro-Dade Flagler Building at 140 W. Flagler Street, Miami-Dade, Florida 33130.

Mr. Berman took the opportunity to introduce and welcome new member, Mr. Enrique Crooks, who was serving the Board under the discipline of Registered Engineer.

Mr. Loader then requested a motion to approve and accept the minutes of the May 17th, 2000 Unsafe Structures Board Meeting. A motion was made by Mr. Michelson to approve the minutes and seconded by Mr. Childs.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Loader requested from Mr. Berman the cases that were agreed upon, uncontested, withdrawn or deferred.

Mr. Berman announced the following cases from Unincorporated Miami-Dade County and the City of Miami where **agreements** had been made with the Building Official:

### **Unincorporated Miami-Dade County Cases:**

DC199900699U	1876 N.W. 68 Street
DC199900733U	9901 S.W. 160 Street

### **City of Miami Cases:**

M00-051	1503 N.W. 66 Street
M00-053	1529 N.W. 51 Terrace

Mr. Berman then announced the following Unincorporated Miami-Dade County and City of Miami cases that were **uncontested/no show**:

### **Unincorporated Miami-Dade County Cases:**

DC98-370UT	3011 N.W. 56 Street
DC199900712U	14721 N.E. 8 Court
DC199900871U	20343 N.W. 32 Place

**City of Miami Cases:**

M00-047	726 N.W. 15 Street
M00-048	1090 N.W. 66 Street
M00-049	1788 N.W. 45 Street
M00-050	1808 N.W. 44 Street

The cases and photographs were submitted to the Board for review as called by Mr. Berman.

After the Board reviewed each case file, Mr. Loader requested a motion to consolidate the withdrawals, agreed and uncontested cases and uphold the decisions of the Building Official. The motion was made by Mr. Cueva and seconded by Mr. Williams.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Loader informed those appellants who were able to come to an amicable agreement with the Building Official that the Board had ratified the agreements and they were free to leave.

The Building Officials and Appellants being heard by the Unsafe Structures Board were sworn in at 1:27 P.M. by the court reporter.

Mr. Loader then requested of Mr. Berman the first case to be heard by the Board.

Mr. Berman called forth the first case to be presented by the City of Miami, Unsafe Structures Unit where a representative of the **Mortgage Company** disagreed with the Building Official's recommendation for demolition:

**City of Miami:**

M00-046	535 N.W. 58 Street
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Deputy Building Official Cedric Mar introduced photographs and a case resume into evidence to be reviewed by the Board.

Mr. Mar gave an account of the structure and recommended that "said structure be demolished by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code with a demolition permit obtained within thirty (30) days from today from the Unsafe Structures Unit. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, said structure shall be demolished by the City of Miami as soon as possible."

Mrs. Laura Kefadilis, who represents Citimortgage Inc., stated that the structure has been vacant for eight months and has since been cleaned and only the carport needs to be replaced. Mrs. Kefadilis informed the members that the roof passed inspection and there are only some windows and doors that are missing, which can be replaced as soon as possible. She does not believe that this house meets demolition criteria.

Mr. Jose Suarez informed the members that he has a contract of purchase with the bank. Mr. Suaraz agrees that the roof is a little deteriorated and the kitchen needs remodeling. He is aware that the structure must be bought up to Code, but disagrees with the Building Official's recommendation for demolition.

After some discussion, Mr. Loader requested a motion from the members. Mr. Michelson made a motion that "said structure be secured within five (5) working days. The following securing method is approved: storm shutters (1/2" plywood, bolts and lumber as per specs). The structure(s) are to be maintained secure, clean and sanitary, free of debris, overgrown grass or weeds and free of discoloration or graffiti. The structure must be repaired or completed with Architect/Engineer's sealed plans. A building permit must be obtained for all repairs and items to be completed. The permit documents shall **FIRST** be submitted to the Unsafe Structures Unit for approval. The building permit must be obtained by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code within sixty (60) days from today. The complete building or structure shall be made to conform to all the requirements for a new building or structure and shall be completed within sixty (60) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure shall be demolished by the City of Miami as soon as possible." The motion was seconded by Mr. Cueva.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Berman then called forth the last case to be heard by the City of Miami, Unsafe Structures Unit where the **Owner** of the property disagreed with the Building Official's recommendation to demolish the structure.

### **City of Miami**

M00-052

5633 N.W. 6 Avenue

Deputy Building Official Cedric Mar introduced photographs and a case resume into evidence to be reviewed by the Board.

Mr. Mar gave an account of the structure and recommended that "said structure be demolished by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code with a demolition permit obtained within thirty (30) days from today from the Unsafe Structures Unit. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, said structure shall be demolished by the City of Miami as soon as possible."

Jean Claude Charles, property owner, informed the Board that they had owned the house for three years and when they moved from the house it was in good condition. Mr. Charles explained that they are in the process of trying to re-do the mortgage on the house, since the mortgage company informed them that they still had rights to the property. They can secure the house, but will need the approval from the Mortgage Company. Mr. Charles concluded that he needs time to see if he will in fact gain full title back to the property.

Mr. Kurt Jaslow, Attorney for the Mortgage Company, stated that the house is in foreclosure and will be going up for sale on July 7<sup>th</sup>. Mr. Jaslow confirmed with the owners that they do still have rights to the property.

Mr. Williams made a motion to defer this case until the closing takes place next month. Motion seconded by Mr. Vera.

Mr. Loader then requested a roll call vote from Mr. Berman.

<b>Childs</b>	-	<b>No</b>	<b>Crooks</b>	-	<b>No</b>
<b>Cueva</b>	-	<b>No</b>	<b>Loader</b>		<b>No</b>
<b>Williams</b>	-	<b>Yes</b>	<b>Michelson</b>	-	<b>Yes</b>
<b>Vera</b>		<b>Yes</b>	<b>Hayes</b>		<b>Yes</b>

**Motion failed 4 to 4.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Loader then requested a new motion of the Board. Mr. Cueva offered a motion that “”said structure be secured within five (5) working days. The following securing method is approved: storm shutters (1/2” plywood, bolts and lumber as per specs). The structure(s) are to be maintained secure, clean and sanitary, free of debris, overgrown grass or weeds and free of discoloration or graffiti. The structure must be repaired or completed with Architect/Engineer’s sealed plans. A building permit must be obtained for all repairs and items to be completed. The permit documents shall **FIRST** be submitted to the Unsafe Structures Unit for approval. The building permit must be obtained by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code within one hundred twenty (120) days from today. The complete building or structure shall be made to conform to all the requirements for a new building or structure and shall be completed within ninety (90) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure shall be demolished by the City of Miami as soon as possible.”

Mr. Loader then requested of Mr. Berman another roll call vote.

<b>Childs</b>	-	<b>Yes</b>	<b>Crooks</b>	-	<b>Yes</b>
<b>Cueva</b>	-	<b>Yes</b>	<b>Loader</b>		<b>Yes</b>
<b>Williams</b>	-	<b>Yes</b>	<b>Michelson</b>	-	<b>Yes</b>
<b>Vera</b>		<b>Yes</b>	<b>Hayes</b>		<b>Yes</b>

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

There being no further business, the meeting was adjourned at 2:27 P.M.

**Prepared by:** \_\_\_\_\_  
**Recording Secretary**

\_\_\_\_\_  
**Chairperson**

**Date:** \_\_\_\_\_

## UNSAFE STRUCTURES BOARD HEARING MINUTES OF JULY 19<sup>th</sup>, 2000

**Members Present:** James Cueva, Vice- Chairman      Orange Hayes  
Kathy Babl-Loy      Laurence Jay Michelson  
Harry Childs      Abel Ramirez  
Enrique Crooks      Jose Vera

**Excused:** Gordon Loader, Chairman      Walter Williams

**Staff:** Theodore Berman, Clerk of the Board  
Augusto Maxwell, Asst. County Attorney (Present via Telephone)  
Yvonne Bell, Recording Secretary  
Nelly Nieves, Recording Secretary

**Court Reporter:** John Guc, Official Court Reporting Services, Inc.

The regular meeting of the **UNSAFE STRUCTURES BOARD** was called to order at 1:14 P.M. on Wednesday, July 19, 2000, on the 16<sup>th</sup> Floor, Conference Room 1605, of the Metro-Dade Flagler Building at 140 W. Flagler Street, Miami-Dade, Florida 33130.

Mr. Berman took the opportunity to introduce and welcome new member, Mr. Abel Ramirez, who was serving on the Board under the discipline of General Contractor.

Mr. Cueva then requested a motion to approve and accept the minutes of the June 21<sup>st</sup>, 2000 Unsafe Structures Board Meeting. A motion was made by Mrs. Loy to approve the minutes and seconded by Mr. Childs.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Cueva requested from Mr. Berman the cases that were agreed upon, uncontested, withdrawn or deferred.

Mr. Berman announced the following cases from Unincorporated Miami-Dade County where **agreements** had been made with the Building Official:

**Unincorporated Miami-Dade County Cases:**

DC99-371U	12460 SW 46 Street
DC199900600U	17711 NW 12 Court
DC199900615U	1121 NW 201 Street
DC199900757U	7621 Hague Drive
DC199900872UT	3052 NW 57 Street
DC199900921UT	18600 SW 197 Avenue
DC200002697U	751 NE 173 Terrace

Mr. Berman then announced the following Unincorporated Miami-Dade County and City of Miami cases that were **uncontested/no show**:

**Unincorporated Miami-Dade County Cases:**

DC98-799UT	1816 NW 91 Street
DC99-543	19220 SW 156 Street
DC199900604U	19910 Kingston Drive
DC199900624U	1645 NE 149 Street
DC199900625U	2467 NW 104 Street
DC199900701UT	1130 Opa Locka Blvd
DC199900941UT	2430 NW 168 Street
DC199900979U	5862 NW 194 Street
DC20000353U	733 NW 78 Street

**City of Miami Cases:**

M00-055	54 NW 52 Street
M00-057	193 NW 16 Street

Mr. Berman then announced the following Unincorporated Miami-Dade County case that was **withdrawn**:

**Unincorporated Miami-Dade County Case:**

DC199900670U	20920 NW 39 Avenue
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Mr. Berman then announced the following City of Miami case that was **deferred**:

**City of Miami Case:**

M00-058	1501 NW 59 Street
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The cases and photographs were submitted to the Board for review as called by Mr. Berman.

After the Board reviewed each case file, Mr. Cueva requested a motion to consolidate the withdrawals, deferral, agreed and uncontested cases and uphold the decisions of the Building Official. The motion was made by Mr. Michelson and seconded by Mr. Crooks .

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Cueva informed those appellants who were able to come to an amicable agreement with the Building Official that the Board had ratified the agreements and they were free to leave.

The Building Officials and Appellants being heard by the Unsafe Structures Board were sworn in at 1:35 P.M. by the court reporter.

Mr. Cueva then requested of Mr. Berman the first case to be heard by the Board.

Mr. Berman called forth the first case to be presented by the Unincorporated Miami-Dade County, Unsafe Structures Unit, where **the owner** disagreed with the Building Official's recommendation for demolition:

**Unincorporated Miami-Dade County Case:**

DC199900597UT                      3100 NW 95 Terrace

Deputy Building Official Jose Sadin introduced photographs and a case resume into evidence to be reviewed by the Board.

Mr. Sadin gave an account of the structure and recommended that "said structures (B), (C) and (D) be demolished by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code with a demolition permit obtained within thirty (30) days from today from the Unsafe Structures Unit. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, said structure shall be demolished by the Unincorporated Miami-Dade County as soon as possible."

The daughter of the owner was present and addressed the Board on said structures presenting architect's plans to repair structure (B) which is a bomb shelter. The owner does not wish to have said structures demolished and stated they are working on repairing the roof on structure (B) and replacing structure (D). The owner requested 90 days to obtain permits and 180 days to complete the repairs.

After some discussion and deliberation, a motion was made by Mr. Childs that stated "said structures must be maintained secured. The structures must be repaired or completed with Architect/Engineer's sealed plans. A building permit must be obtained for all repairs or items to be completed. The permit documents shall be submitted FIRST to the Unsafe Structures Unit for approval. The building permit must be obtained by a licensed contractor or a qualified homeowner pursuant to Section 10-5(2) of the Miami-Dade County Code within ninety (90) days from today. The completion or repair of said structures shall conform to the latest South Florida Building Code and shall be completed within one hundred-eighty (180) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structures shall be demolished by the Unincorporated Miami-Dade County as soon as possible." The motion was seconded Mr. Michelson.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Berman then called forth the second case to be heard by the Unincorporated Miami-Dade County, Unsafe Structures Unit where a representative of **the owner** of the property disagreed with the Building Official's recommendation to demolish the structure.

**Unincorporated Miami-Dade County Case:**

DC99-387U                      3500 NW 79 Street

Deputy Building Official, Julio Navarro, introduced photographs and a case resume into evidence to be reviewed by the Board.

Mr. Navarro gave an account of the structure and stated to the Board this case had been brought before the Board on November 17, 1999 and that the owner is Miami-Dade County. Further, Mr. Navarro advised that this property is in the process of being sold to a private owner who plans to refurbish the property.

Mrs. Elva Marin, the representative, of the present owner as well as the attorney for the buyer, Mr. Jeff Boxster, were asking for an extension of 90 days so they can close the sale and give the buyer time for his partial demolition and reconstruction plans. The prior order stated by July 30, 2000 obtain permit and by October 30, 2000 to get building construction work done.

After some discussion and deliberation, a motion was made by Mr. Michelson that stated "said structures be secured within five(5) working days. The following securing method to be fencing. The structures are to be maintained secure, clean and sanitary. Free of debris, over grown grass or weeds and free of discoloration or graffiti. The structures must be repaired or completed with Engineer's Certification and Architect/Engineer's sealed plans. A building permit must be obtained for all repairs or items to be completed. The permit documents shall be submitted FIRST to the unsafe structures unit for approval. The building permit must be obtained by a licensed contractor or a qualified homeowner pursuant to Section 10-5(2) of the Miami-Dade County Code within one hundred-eighty (180) days from today. The complete building or structure shall conform to all the requirements for a new building or structure and shall be completed within one hundred-eighty (180) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structures shall be demolished by Unincorporated Miami-Dade County as soon as possible." The motion was seconded by Mrs. Loy.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Berman then called forth the third case to be heard by the Unincorporated Miami-Dade County, Unsafe Structures Unit where the **owner** of unit #3886 disagreed with the Building Official's recommendation to demolish the adjacent unit #3888.

#### **Unincorporated Miami-Dade County Case:**

DC199900671U

3884, 86, 88, 90 NW 213 Street

Deputy Building Official Spencer Eriksson introduced photographs and a case resume into evidence to be reviewed by the Board.

Mr. Eriksson gave an account of the structures and recommended that "said structure (B), be demolished by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code with a demolition permit obtained within thirty (30) days from today from the Unsafe Structures Unit. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, said structure shall be demolished by the Unincorporated Miami-Dade County as soon as possible."



Mr. Jack Arias, owner of unit #3886, addressed the issue of who is responsible to repair the adjoining wall once a unit is demolished. Mr. Arias felt the responsibility should be on the County.

Mr. Augusto Maxwell, Assistant County Attorney was available via phone and advised the board that the burden of repairing this unit be on the adjacent owners since the building as a whole is unsafe because of unit #3888.

After much discussion and deliberation, Mr. Cueva requested a motion. Mr. Childs motioned “to uphold the Building Official’s recommendation to demolish said structure (B) by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code with a demolition permit obtained within thirty (30) days from today from the Unsafe Structures Unit. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, said structure shall be demolished by the Unincorporated Miami-Dade County, Unsafe Structures Unit as soon as possible.” The motion was seconded by Mr. Michelson.

**Through roll call vote, the motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Berman then called forth the fourth case to be heard by the City of Miami, Unsafe Structures Unit, where the **property owner** disagreed with the Building Official’s recommendation to demolish the structure

**City of Miami Case:**

M00-054

233 N.W. 9 Street

City of Miami Deputy Building Official, Cedric Mar, introduced photographs and a case resume into evidence to be reviewed by the Board. Additionally, Mr. Cedric informed that Board that the property address is a/k/a 221 NW 9<sup>th</sup> Street.

Mr. Mar gave an account of the structure and recommended that “said structure be demolished by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code with a demolition permit obtained within thirty (30) days from today from the Unsafe Structures Unit. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, said structure shall be demolished by the City of Miami as soon as possible.”

Mr. Hutchinson, the property owner, advised the Board that this is a historical site and that he is waiting to qualify for a special loan to rehabilitate this property. Mr. Hutchinson requested an extension of time to secure the funds in order to proceed with repairs.

Officer Foster with the City of Miami informed the Board that this property has a lot of debris and the existing fence on this property has caused traffic and chaos for the tourist including inconvenience for the Fire Rescue.

After some discussion and deliberation, a motion was made by Mrs. Loy that the “structure must be maintained secured and fenced. The structure must be repaired or completed with Engineer’s Certification and Architect/Engineer’s sealed plans. A building permit must be obtained for all

repairs or items to be completed. The permit documents shall be submitted FIRST to the Unsafe Structures Unit for approval. The building permit must be obtained by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code within one hundred eighty (180) days from today. The completion or repair of said structure shall conform to Section 104.10 of the South Florida Building Code and shall be completed within two hundred seventy (270) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure shall be demolished by the City of Miami as soon as possible.” The motion was seconded by Mr. Michelson.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Berman then called forth the last case to be heard by the City of Miami, Unsafe Structures Unit where the property owner disagreed with the Building Official’s recommendation to demolish the structure

**City of Miami**

M00-056

130 NE 65 Street

Deputy Building Official Cedric Mar introduced photographs and a case resume into evidence to be reviewed by the Board.

Mr. Mar gave an account of the structure and recommended that “said structure be demolished by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code with a demolition permit obtained within thirty (30) days from today from the Unsafe Structures Unit. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, said structure shall be demolished by the City of Miami as soon as possible.”

Mr. Elder Whisby addressed the Board on this property informing the Board that the owner of this property is deceased and they are looking for an heir to turn over the title as they obtain property and house the elderly and children. He further stated that the house only has smoke damage.

After some discussion and deliberation, a motion was made by Mrs. Loy to “secure said structure within five (5) working days with storm shutters (1/2” plywood, bolts and lumber as per specs). The structure is to be maintained secure, clean and sanitary. Free of debris, over grown grass or weeds and free of discoloration or graffiti. Said structure must be repaired or completed with Engineer’s Certification and Architect/Engineer’s sealed plans. A building permit must be obtained for all repairs or items to be completed. The permit documents shall be submitted FIRST to the Unsafe Structures Unit for approval. The building permit must be obtained by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code within one hundred eighty (180) days from today. The repair of said structure shall conform to the latest South Florida Building Code and shall be completed within ninety (90) days after obtaining the permit. If any of the above conditions are not complied with, said structure shall be demolished by City of Miami as soon as possible.” The motion was seconded by Mr. Childs.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Upon the conclusion of the Board meeting Mr. Berman advised the members that he had just received notification from Southeast Alliance of Foreclosure Specialists that the following cases, which were **no show/no contest**, are HUD owned and local government is preempted from taking code enforcement against HUD owned properties:

DC199900604U	19910 Kingston Drive
DC199900624U	1645 NE 149 Street
DC199900625U	2467 NW 104 Street

A motion was made by Mr. Childs and seconded by Mr. Hayes to defer these cases until further review by the Unsafe Structures Unit.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

There being no further business, the meeting was adjourned at 4:07 P.M.

**Prepared by:** \_\_\_\_\_

**Recording Secretary**

\_\_\_\_\_  
**Chairperson**

**Date:** \_\_\_\_\_

## UNSAFE STRUCTURES BOARD HEARING MINUTES OF AUGUST 16<sup>th</sup>, 2000

**Members Present:** Gordon Loader, Chairman                      Kathy Babl-Loy                      Harry Childs  
                                 Laurence Jay Michelson                      Abel Ramirez                      Jose Vera  
                                 Walter Williams

**Excused:**                      James Cueva, Vice- Chairman                      Enrique Crooks                      Orange Hayes

**Staff:**                      Theodore Berman, Clerk of the Board  
                                 Bruce Libhaber, Asst. County Attorney  
                                 Yvonne Bell, Recording Secretary

**Court Reporter:**                      Scott Sinclair, Official Court Reporting Services, Inc.

The regular meeting of the **UNSAFE STRUCTURES BOARD** was called to order at 1:30 P.M. on Wednesday, August 16<sup>th</sup>, 2000 on the 16<sup>th</sup> Floor, Conference Room 1605, of the Metro-Dade Flagler Building at 140 W. Flagler Street, Miami-Dade, Florida 33130.

Mr. Loader requested a motion to approve and accept the minutes of the July 19<sup>th</sup>, 2000 Unsafe Structures Board Meeting. A motion was made by Mrs. Loy to approve the minutes and seconded by Mr. Ramirez.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Loader requested from Mr. Berman the cases that were agreed upon, uncontested, withdrawn or deferred.

Mr. Berman informed the members that the following Unincorporated Miami-Dade County and City of Miami cases were **deferred until further notice**:

### **Unincorporated Miami-Dade County Cases:**

DC200003142U	13200 S.W. 6 Street
DC200003702U	17345 Old Cutler Road

### **City of Miami Cases:**

M00-060	146 N.W. 9 Avenue
M00-061	1413 S.W. 1 Place

Mr. Berman stated that the following Unincorporated Miami-Dade County case was **withdrawn** from the hearing:

### **Unincorporated Miami-Dade County Cases:**

DC199900896UT	2793 N.W. 26 Street
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Mr. Berman announced the following cases from Unincorporated Miami-Dade County and the City of Miami where **agreements** had been made with the Building Official:

**Unincorporated Miami-Dade County Cases:**

DC97-69U	8410 N.W. 10 Avenue
DC199900592U	11645 N.W. 6 Avenue
DC199900673U	3855 N.W. 210 Street
DC199900959U	10295 S.W. 182 Street
DC200001250U	4021 S.W. 112 Court

**City of Miami Cases:**

M00-066	160 N.W. 68 Street
M00-068	6040-42 N.W. 1 Avenue
M00-070	7619 N.E. 1 Court

Mr. Berman then announced the following Unincorporated Miami-Dade County and City of Miami cases that were **uncontested/no show**:

**Unincorporated Miami-Dade County Cases:**

DC99-77U	12674 S.W. 216 Street
DC99-159UT	1527 N.W. 99 Street
DC99-375U	1181 N.E. 200 Terrace
DC199900824U	3170 N.W. 170 Street

**City of Miami Cases:**

M00-059	27 N.E. 17 Terrace
M00-062	784 N.W. 64 Street
M00-063	1514 N.W. 65 Street
M00-064	1141 S.W. 9 Street
M00-065	65 N.W. 75 Street
M00-067	5928 N.W. 5 Avenue
M00-069	7410 N.W. Miami Court
M00-072	2511 N.W. 22 Avenue
M00-073	1624 N.W. 1 Court
M00-074	1445 N.W. 1 Avenue

The cases and photographs were submitted to the Board for review as called by Mr. Berman.

After the Board reviewed each case file, Mr. Loader requested a motion to consolidate the withdrawals, deferral, agreed and uncontested cases and uphold the decisions of the Building Official. The motion was made by Mr. Michelson and seconded by Mr. Williams.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Loader informed those appellants who were able to come to an amicable agreement with the Building Official that the Board had ratified the agreements and they were free to leave.

Mr. Berman informed the chairman that there weren't any heard cases to be presented, but that there were several items for board discussion.

### **Board Discussion #1**

Mr. Berman addressed the members in regards to properties owned by the Department of Housing and Urban Development (H.U.D.) that come before the Unsafe Structures Board and requested that Mr. Libhaber explain to the members the objection raised to enforcing action regarding these structures.

Mr. Bruce Libhaber, Asst. County Atty. stated to the members that, because the Federal Government owns these properties, the board has no jurisdiction to take action against them. He informed the members that there is a meeting scheduled with H.U.D. and County Attorney Mr. Ginsburg to discuss what can be regulated, but until then the board will need to defer these cases until further notice.

Mr. Julio Navarro commented that H.U.D. is not rehabilitating these properties and subsequently the buyer gets burdened with the Board's decision and all cost incurred on the property. He requested that there be a mandate for H.U.D. to inform the new owner of the violation.

Mr. Williams asked was there any case law ongoing with the Federal Government.

Mr. Libhaber stated that they have found cases where the Federal Government had been cited.

Mr. Loader stated that he would like the County Attorney to make sure these issues and concerns are addressed at the meeting with the Department.

### **Board Discussion #2**

Mr. Berman informed the Board that they would need to rescind the decision of the following H.U.D. owned properties addressed at last month's hearing:

#### **Unincorporated Miami-Dade County Cases:**

DC199900671U	3884-90 N.W. 213 Street
DC199900701UT	1130 Opa Locka Blvd.

Mr. Michelson made a motion to rescind these orders. The motion was seconded by Mr. Williams.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Berman also made note of a H.U.D. owned property presented by the City of Miami that would need to be **deferred**:

**City of Miami Case:**

M00-071

15 N.E. 70 Street

A motion was made by Mr. Williams to defer until further notice. The motion was seconded by Mr. Michelson.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

**Board Discussion #3**

Mr. Berman informed the members that there was a non-agenda item regarding **DC99-533U, 17501 N.W. 54 Avenue**, which was presented to the January 19<sup>th</sup>, 2000 Unsafe Structures Board as an agreement.

Mr. Spencer Errickson, Building Inspector for the Unsafe Structures Unit, stated that there was a clerical error by the Unsafe Structures Unit and the intent was for structure (B) to be demolished and structure (A) to be repaired. The board order went out as a straight demolition for both structures.

Mr. Berman read into the records a letter from Mr. Julio Navarro explaining the error and requested that the board accept the amended agreement between the inspector and the owner of the property.

Mr. Childs made a motion to accept the amended agreement. Mr. Williams seconded the motion.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

There being no further business, the meeting was adjourned at 2:15 P.M.

**Prepared by:** \_\_\_\_\_

**Recording Secretary**

\_\_\_\_\_  
**Chairperson**

**Date:** \_\_\_\_\_

## UNSAFE STRUCTURES BOARD HEARING MINUTES OF SEPTEMBER 20<sup>th</sup>, 2000

**Members Present:** Gordon Loader, Chairman      James Cueva, VC      Harry Childs  
Jose Vera      Walter Williams

**Excused:** Kathy Babl-Loy      Enrique Crooks      Orange Hayes  
Abel Ramirez      Laurence Jay Michelson

**Staff:** Theodore Berman, Clerk of the Board  
Bruce Libhaber, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Louis Franck, Official Court Reporting Services, Inc.

The regular meeting of the **UNSAFE STRUCTURES BOARD** was called to order at 1:25 P.M. on Wednesday, September 20<sup>th</sup>, 2000 on the 16<sup>th</sup> Floor, Conference Room 1605, of the Metro-Dade Flagler Building at 140 W. Flagler Street, Miami-Dade, Florida 33130.

Mr. Loader requested a motion to approve and accept the minutes of the August 16<sup>th</sup>, 2000 Unsafe Structures Board Meeting. A motion was made by Mr. Childs to approve the minutes and seconded by Mr. Vera.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Loader requested from Mr. Berman the cases that were agreed upon, uncontested, withdrawn or deferred.

Mr. Berman informed the members that the following Unincorporated Miami-Dade County and City of Miami cases were **withdrawn**:

### **Unincorporated Miami-Dade County Cases:**

DC20001088U	1169 N.W. 113 Terrace
DC20003142U	13200 S.W. 6 Street

### **City of Miami Cases:**

M00-060	146 N.W. 9 Avenue
M00-078	1910 N.W. 21 Terrace

Mr. Berman announced the following cases from Unincorporated Miami-Dade County and the City of Miami where **agreements** had been made with the Building Official:

### **Unincorporated Miami-Dade County Cases:**

DC98-775U	16325 S.W. 279 Street
DC98-946UT	2984 S.W. 123 Avenue
DC199900776U	1 Miad, Building #1012
DC20002960U	7925 N.W. 15 Avenue
DC20003567U	280 N.W. 149 Street



**City of Miami Cases:**

M00-061	1413 S.W. 1 Place
M00-075	134 N.W. 32 Street
M00-077	1184 N.W. 37 Street (Rear)

Mr. Berman then announced the following Unincorporated Miami-Dade County, City of South Miami and City of Miami cases that were **uncontested/no show**:

**Unincorporated Miami-Dade County Cases:**

DC20002962U	8111 N.W. 17 Avenue
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**City of Miami Cases:**

M00-076	163 N.W. 31 Street
M00-079	4719 N. Miami Avenue

**City of South Miami Case:**

SM00-01	5709 S.W. 62 Avenue
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The cases and photographs were submitted to the Board for review as called by Mr. Berman.

After the Board reviewed each case file, Mr. Loader requested a motion to consolidate the withdrawals, deferral, agreed and uncontested cases and uphold the decisions of the Building Official. The motion was made by Mr. Cuevas and seconded by Mr. Vera.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Loader informed those appellants who were able to come to an amicable agreement with the Building Official that the Board had ratified the agreements and they were free to leave.

The Building Officials and Appellants being heard by the Unsafe Structures Board were sworn in at 1:45 P.M. by the court reporter.

Mr. Berman informed the members that there was a **Non-Agenda Item** to be presented to the Board regarding **DC97-871U, 13135 N.W. 27 Avenue**. He stated that this case was heard at the January 19<sup>th</sup>, 2000 Unsafe Structures Board with a demolition order for Structure (A) within 60 days. The order did not cite Structure (B), therefore, an amended order needed to be prepared to reflect Structure (B) for the records.

Mr. Childs made a motion to accept the amended agreement. Mr. Williams seconded the motion.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Berman called forth the first case to be presented by the Unincorporated Miami-Dade County, Unsafe Structures Unit, where **the attorney for the owner** disagreed with the Building Official's recommendation for demolition:

**Unincorporated Miami-Dade County Case:**

DC20003702U

17345 Old Cutler Road

Mr. Ricardo Roig, Code Administrator for the Building Department, Unsafe Structures Unit, informed the Board that there are three structures on the property that were damaged by Hurricane Andrew. Mr. Roig explained that a case was started in 1994 for non-compliance of completion, the case went to Appellant Court and the Notice of Violation (NOV) was removed due to technicalities. An agreement was made with Appellant Court citing that the owner did not have to do anything, but once the property becomes unsecured they will be in violation of the agreement.

Deputy Building Official Edward Villareal introduced photographs and a case resume into evidence to be reviewed by the Board. He stated that an initial inspection was made on April 7, 2000 and it was at this time that he found teenagers on the property painting graffiti and the police was called prompting the case to be re-opened.

Therefore Mr. Villareal, recommended that "said structures (A) and (C) be demolished by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code with a demolition permit obtained within one hundred twenty (120) days from today from the Unsafe Structures Unit. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, said structure shall be demolished by the Unincorporated Miami-Dade County as soon as possible."

Mr. Robert Solove, Attorney for the owner, gave a history of events for this structure and stated that per the Courts they did not have to do nothing within the last five years per the Stipulation. Mr. Solove introduced E-mail conversations between Mr. Szep, Mr. Roig and Mr. Villareal recalling that the case had been closed. He also read the incident report of trespassing into the records, citing this as the only violation within the last five years. He further added that they were not told of the incident, the owner received a (NOV) and found out then that this was why the case was being re-opened.

Mr. Solove cross-examined Ms. Joan Romanowsky, who is an Attorney and President of Land and Property Management Corp. testified that she has lived next to the property for many years. Ms. Ramonowsky informed the Board that the property is fenced and the graffiti is removed, since they were ordered to only maintain the structure with no time limit given by the courts. In addition, she added that they have retained Winbush Realty to try to sell the property, to this day there have been numerous offers.

Mr. Bruce Libhaber, Asst. County Attorney, read paragraph four of the agreement and stated that there was no way an agreement could be made to allow the homeowner's to brake the law.

Mr. Lou Kalkanosis, Registered Architect, stated that he has been on the job since 1994 and that structure (B) is very sizeable with a square footage of 20,000 on a 4½-acre tract. He explained that he would need 90 days to prepare construction documents, 180 days to secure structural envelope, 90 days for DERM'S review, 90 days for FEMA'S review, 30 days for the County's review and 360 days to make structure permissible.

Mr. John Lucas, Realtor, stated that he was retained in January of 1999 to list the property, so far he has several offers on the structure for two religious orders and two schools.

Mr. Roig informed the Board that the structure has not been finalized and the only Notice that was sent was the (NOV) and that was based on the requirements of the agreement. Mr. Roig did make note for the record that he did not know of any other incidents on the property. He further advised the Board that the Building Department has prepared timeframes for the owner in regards to structure (B).

They are listed as follows:

<b>30 days</b>	-	<b>for signed contract with engineer</b>
<b>60 days</b>	-	<b>to produce calculations</b>
<b>30 days</b>	-	<b>to provide Bldg. Dept. with signed agreement</b>
<b>60 days</b>	-	<b>to obtain process #</b>
<b>120 days</b>	-	<b>to obtain permit</b>

**After obtaining permits, the owner will have 8 months to complete repairs.**

After much discussion, Mr. Loader closed the floor for discussion and requested a motion to accept the Building Departments recommendation or provide one from the Board. A motion was made by Mr. Cueva that “ Said structures (A) and (C) shall be demolished by a licensed contractor or a qualified home owner pursuant to Section 10-5 (2) of the Miami-Dade County Code with a demolition permit obtained within one hundred twenty (120) days from today from the Unsafe Structures Unit. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, said structures shall be demolished by the Unincorporated Miami-Dade County, Unsafe Structures Unit as soon as possible.”

Mr. Cueva further added that “said structure (B) must be secured within five (5) working days. The following securing method is approved: fencing. The structure(s) are to be maintained secure, clean and sanitary. Free of debris, overgrown grass or weeds and free of discoloration or graffiti. Said structure (B) must be repaired or completed with Laboratory Tests, Engineer’s Certification and Architect/Engineer’s sealed plans. The Engineer’s Certification or Laboratory Tests must be submitted within one hundred twenty (120) days from today. A building permit must be obtained for all repairs or items to be completed. The permit documents shall be submitted FIRST to the Unsafe Structures Unit for approval. The building permit must be obtained by a licensed contractor or a qualified homeowner pursuant to Section 10-5(2) of the Miami-Dade County Code within two hundred seventy (270) days from today. The complete building or structure shall be made to conform to all the requirements for a new building or structure and shall be completed within three hundred sixty (360) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure(s) shall be demolished by Unincorporated Miami-Dade County as soon as possible.” These motions were seconded by Mr. Vera.

Mr. Loader requested a roll call vote that passed unanimously.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Solove reiterated that they only had to maintain the structure per the agreement and also for the record he wanted to mention that they are looking for a recommendation, he is not in agreement with Board.

Mr. Berman then called the second case to be presented by Unincorporated Miami-Dade County where the **property owner** disagreed with the demolition order on the structure.

**Unincorporated Miami-Dade County Case:**

DC99-565U

18208 Oleta Drive

Deputy Building Official Julio Navarro introduced photographs and a case resume into evidence to be reviewed by the Board.

Mr. Navarro gave an account of the structures and recommended that “said structures (A) and (B) be demolished by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code with a demolition permit obtained within thirty (30) days from today from the Unsafe Structures Unit. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, said structure shall be demolished by the Unincorporated Miami-Dade County as soon as possible.”

Mr. Navarro further explained that the house was being poorly maintained and it may not be occupied until construction approval on the property.

Property owner, Mr. Prevost submitted photographs in the records as Composite “A” and Composite “B” and stated that he has been the owner since 1985 and the house was damaged by Hurricane Andrew. He informed the Board that he has 30 years of construction knowledge and presented an estimated repair list and informed the members that he wanted to pull permits and start the rehabilitation of the property.

After some discussion, Mr. Loader requested a motion. A motion was made by Mr. Cueva that “said structure (A) be secured within five (5) working days. The following securing method is approved: storm shutters (1/2” plywood, bolts and lumber as per specs. The structure(s) are to be maintained secure, clean and sanitary. Free of debris, over grown grass or weeds and free of discoloration or graffiti. Said structure (A) must be repaired with Laboratory Tests, Engineer’s Certification and Architect/Engineer’s sealed plans. The Engineer’s Certification or Laboratory Tests must be submitted within sixty (60) days from today. A building permit must be obtained for all repairs or items to be completed. The permit documents shall be submitted FIRST to the unsafe structures unit for approval. The building permit must be obtained by a licensed contractor or a qualified homeowner pursuant to Section 10-5(2) of the Miami-Dade County Code within one hundred twenty (120) days from today. The complete building or structure shall be made to conform to all the requirements for a new building or structure and shall be completed within one hundred eighty (180) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure(s) shall be demolished by Unincorporated Miami-Dade County as soon as possible.”

Mr. Cueva then gave the motion that “said structure (B) shall be demolished by a licensed contractor or a qualified homeowner pursuant to Section 10-5(2) of the Miami-Dade County Code with a demolition permit obtained within thirty (30) days from today from the Unsafe Structures unit. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, said structure(s) shall be demolished by Unincorporated Miami-Dade County as soon as possible.” These motions were seconded by Mr. Williams.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Berman then called the last case to be heard presented by the City of North Miami Beach where the **property owner** disagreed with the demolition order on the structure.

**City of North Miami Beach Case:**

NMB2000-01

1663 N.E. 181 Street

Building Official Dale Lee introduced photographs and a case resume into evidence to be reviewed by the Board.

Mr. Lee gave the Board a background history of the structure and informed the members that there is deterioration of the structure and parts. There is also an addition that was built without permits and the owner purchased the house from Housing and Urban Development (HUD).

Mr. Lee recommended that "said structure shall be demolished by a licensed contractor or a qualified homeowner pursuant to Section 10-5(2) of the Miami-Dade County Code with a demolition permit obtained within thirty (30) days from today from the Unsafe Structures unit. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, said structure(s) shall be demolished by the City of North Miami Beach as soon as possible."

Property owner, Moise Lamour explained that he purchased the house from (HUD) on January 6, 2000 and he knew nothing about the fines, liens and violations on the property. He has paid a roofer \$2,000 and \$2,500 to fix the A/C.

Mr. Gregg Taylor, Representative for Security Mortgage Services, Inc., stated that the seller was (HUD). He informed the Board that foreclosure proceedings are about to take place on the property and he is there trying to secure his clients interest in the property, consequently they are willing to escrow the \$30,000 that the City of North Miami Beach estimated to repair the structure. He further informed the Board that his clients don't have a problem with maintaining the structure and mowing the lawn.

Board member, Mr. Williams questioned the legality of the Mortgage Company and made a motion that the Board defer this case until Mr. Lamour can obtain a lawyer to look into the proceedings of the purchase of the property.

**Motion failed.**

*(For a verbatim version, please refer to the transcripts)*

Throughout further discussion, Mr. Williams proceeded to leave the room causing the loss of quorum.

Asst. County Attorney, Bruce Libhaber advised the Board that due to the loss of quorum they could not continue to hear or rule on the case, therefore the case is automatically deferred to the next scheduled meeting.

There being no further business, the meeting was adjourned at 4:23 P.M.

**Prepared by:** \_\_\_\_\_  
**Recording Secretary**

\_\_\_\_\_  
**Chairperson**

**Date:** \_\_\_\_\_



## UNSAFE STRUCTURES BOARD HEARING MINUTES OF NOVEMBER 15<sup>th</sup>, 2000

**Members Present:** James Cueva, VC                      Harry Childs                      Orange Hayes  
Walter Williams                      Kathy Babl-Loy                      Abel Ramirez  
Laurence Jay Michelson                      Jose Vera                      Enrique Crooks

**Excused:** Gordon Loader, Chairman

**Staff:** Theodore Berman, Clerk of the Board  
Bruce Libhaber, Asst. County Attorney  
Rashmi Airan, Asst. County Attorney  
Yvonne Bell, Recording Secretary

**Court Reporter:** Joe Vargas, Official Court Reporting Services, Inc.

The regular meeting of the **UNSAFE STRUCTURES BOARD** was called to order at 1:30 P.M. on Wednesday, November 15<sup>th</sup>, 2000 on the 16<sup>th</sup> Floor, Conference Room 1605, of the Metro-Dade Flagler Building at 140 W. Flagler Street, Miami-Dade, Florida 33130.

Mr. Cueva requested a motion to approve and accept the minutes of the October 18<sup>th</sup>, 2000 Unsafe Structures Board Meeting. A motion was made by Mr. Childs to approve the minutes and seconded by Mr. Vera.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Cueva requested from Mr. Berman the cases that were agreed upon, uncontested, withdrawn or deferred.

Mr. Berman informed the members that the following Unincorporated Miami-Dade County case was **withdrawn for compliance**:

### **Unincorporated Miami-Dade County Case:**

DC1999001061U                      10131 W. Indigo Street

Mr. Berman also informed the members that the following City of Miami cases were **withdrawn for compliance**:

### **City of Miami Cases:**

M00-085	861 N.W. 2 Street
M00-086	924 N.W. 70 Street
M00-088	1264 N.W. 70 Street
M00-089	1269 N.W. 34 Street
M00-093	2510 S.W. 22 Avenue
M00-094	3190 Carter Street A/K/A 3192 Carter Street

Mr. Berman then announced the following City of Homestead case **deferred until further notice**:

### **City of Homestead Case:**

99-0015MH                      151 S.W. 4 Street

Mr. Berman announced the following cases from Unincorporated Miami-Dade County where **agreements** had been made with the Building Official:

**Unincorporated Miami-Dade County Cases:**

DC97-197U	10315 S.W. 30 Court
DC98-320U	24775 S.W. 87 Avenue
DC99-391U	2290 N.W. 100 Street
DC99-460U	14545 S.W. 290 Terrace
DC199900834U	22322 S.W. 103 Court
DC199900846UT	2747 N.W. 59 Street
DC199900884UT	1925 N.W. 79 Street
DC199900957U	18120 S.W. 103 Avenue

Mr. Berman then announced the following City of Miami cases where **agreements** had been made with the Building Official:

**Unincorporated Miami-Dade County Cases:**

M00-080	8 N.W. 61 Street
M00-081	35 N.E. 17 Street A/K/A 1721 N. Miami Court
M00-082	190 N.W. 57 Street
M00-087	1168 N.W. 30 Street
M00-090	1318 N.W. 1 Place
M00-091	1319 N.W. 32 Street
M00-096	3315 N.W. 1 Avenue

Mr. Berman announced the following Unincorporated Miami-Dade County cases that were **uncontested/no show**:

**Unincorporated Miami-Dade County Cases:**

DC99-172UT	1980 N.W. 47 Terrace
DC200001094U	955 N.W. 76 Street
DC200002961U	6332 N.W. 21 Avenue
DC200002963U	7313 N.W. 17 Avenue
DC200003143U	6714 N.W. 18 Avenue
DC200003518UT	69 N.E. 160 Street
DC200003541U	1400 N.W. 81 Street
DC200003731U	1802 N.W. 65 Street
DC200004284U	2811 N.W. 106 Street

Mr. Berman announced the following City of Miami cases that were **uncontested/no show**:

**City of Miami Cases:**

M00-083	297 N.W. 57 Street (Rear)
M00-084	420 S.W. 7 Avenue
M00-092	1883 N.W. 22 <sub>2</sub> Place



M00-095  
M00-097

4001 N.W. 10 Avenue  
5516 N.W. Miami Place A/K/A 5510 N.W. Miami Place

Mr. Berman then announced the following City of Homestead cases that were **uncontested/no show**:

**City of Homestead:**

99-0016MH                      167 S.W. 4 Street  
20-0003MH                      860 S.W. 6 Street

The cases and photographs were submitted to the Board for review as called by Mr. Berman.

After the Board reviewed each case file, Mr. Cueva requested a motion to consolidate the withdrawals, deferral, agreed and uncontested cases and uphold the decisions of the Building Official. The motion was made by Mr. Michelson and seconded by Mrs. Loy.

**Motion passed. (Mr. Childs excused himself from voting).**

*(For a verbatim version, please refer to the transcripts)*

Mr. Cueva informed those appellants who were able to come to an amicable agreement with the Building Official that the Board had ratified the agreements and they were free to leave.

The Building Officials and Appellants being heard by the Unsafe Structures Board were sworn in at 2:00 P.M. by the court reporter.

Mr. Berman called forth the first case to be presented by Unincorporated Miami-Dade County where **the owner** disagreed with the Building Official's recommendation for demolition:

**Unincorporated Miami-Dade County Case:**

DC200001420U                      7010 N.W. 18 Avenue

Building Official Jose Sadin introduced photographs and a case resume into evidence to be reviewed by the Board.

Mr. Sadin gave an account of the structure and recommended that "said structure be demolished by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code with a demolition permit obtained within thirty (30) days from today from the Unsafe Structures Unit. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, said structure shall be demolished by the Unincorporated Miami-Dade County as soon as possible." He further informed the members that the structure is presently secured.

Mr. Henderson, property owner, stated that the house had a fire and he would to have the opportunity to try and repair the structure.

After some discussion, Mr. Cueva then requested a motion of the Board. Mrs. Loy made a motion that "said structure(s) are to be maintained secure, clean and sanitary, free of debris, overgrown grass or weeds and free of 3 discoloration or graffiti. The structure must be repaired or completed with Architect/Engineer's sealed plans.

A building permit must be obtained for all repairs and items to be completed. The permit documents shall **FIRST** be submitted to the Unsafe Structures Unit for approval. The building permit must be obtained by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code within ninety (90) days from today. The complete building or structure shall be made to conform to all the requirements for a new building or structure and shall be completed within one hundred twenty (120) days after obtaining the permit. Completion shall be determined when a final inspection approval is obtained on the building permit. If any of the above conditions are not complied with, said structure shall be demolished by Unincorporated Miami-Dade County as soon as possible.” The motion was seconded by Mr. Williams.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Berman then called forth the second case to be heard from Unincorporated Miami-Dade County where **the owner** disagreed with the Building Official’s recommendation:

**Unincorporated Miami-Dade**

DC200004670U

2236 N.W. 67 Street

Building Official Jose Sadin introduced photographs and a case resume into evidence to be reviewed by the Board.

Mr. Sadin gave an account of the structure and recommended that “said structure be demolished by a licensed contractor or a qualified homeowner pursuant to Section 10-5 (2) of the Miami-Dade County Code with a demolition permit obtained within thirty (30) days from today from the Unsafe Structures Unit. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, said structure shall be demolished by the Unincorporated Miami-Dade County as soon as possible”.

Mr. Johnson, property owner, stated that his wife died and left the house to the kids, but the sister of the deceased has all the paperwork pertaining to the house, therefore he can not pull any permits to start the repairs.

Board member, Walter Williams recommended to the members to defer this case until the husband can obtain the proper paperwork.

Mr. Ricardo Roig, Compliance and Coordinating Manager for the Building Department, Unsafe Structures Unit, informed the Board that this case should be in probate court, but until it is resolved they can not enter into an agreement with Mr. Johnson.

Asst. County Attorney, Bruce Libhaber stated that deferring the case might be in the best way to go.

Upon some discussion, Mr. Cueva requested a motion. Mr. Williams then made a motion to defer this case for ninety (90) days. Motion seconded by Mr. Ramirez.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the- 4 -transcripts)*

Mr. Berman then called forth the third case to be heard from Unincorporated Miami-Dade County where the case is in litigation:

**Unincorporated Miami-Dade**

DC199900816U                      5245 N.W. 26 Avenue

Building Official Jose Sadin introduced photographs and a case resume into evidence to be reviewed by the Board.

Mr. Berman informed the members that the Mortgage Company is going to foreclose on the property and bankruptcy was filed. They are requesting a deferral until this issue is resolved.

Asst. County Attorney, Bruce Libhaber explained to the members that this case should be deferred or withdrawn, since there is a Chapter 13 pending.

After some discussion, Mr. Michelson made a motion to withdraw this case until further notice. Motion seconded by Mr. Williams.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Berman then called the fourth case to be heard from Unincorporated Miami-Dade County.

**Unincorporated Miami-Dade**

DC199900918U                      5960 S.W. 150 Avenue  
DC199900919U                      5900 S.W. 150 Avenue  
DC199900920U                      14988 S.W. 60 Street

Mr. Ricardo Roig stated that these homes have not obtained their Certificate of Completion. He requested of the Board to order that a report from an Architect be submitted within fifteen (15) days from the date of the Board Order and obtain the Certificate of Completion within one hundred eighty (180) days.

Mr. Terry Bister, stated that these houses are occupied without a Certificate of Completion. The Amnesty Ordinance was passed and they are waiting for the County to reopen the permits.

After some discussion, Mrs. Loy made a motion that the Architect's report be submitted within fifteen (15) days and one hundred eighty (180) days to obtain the Certificate of Completion. Motion seconded by Mr. Williams.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Berman then called the fifth case to be heard from Unincorporated Miami-Dade County regarding Opa Locka Airport where **agreements** have been prepared by Administration of the Building Department

Mr. Ricardo Roig gave an account of the structures pertaining to the 40-year re-certification and informed the members that some of them will be demolished or repaired and the buildings are unsafe if they have not received a Certificate of Completion.

Mr. Roig then proceeded to read the agreement for the following structures:

**Demolition Order #1**

<u>DC200004395U</u>	<u>Bldg. #22</u>	<u>DC200004395U</u>	<u>Bldg. #409</u>
<u>DC200004395U</u>	<u>Bldg. #23</u>	<u>DC200004395U</u>	<u>Bldg. #408</u>
<u>DC200002827U</u>	<u>Bldg. #147</u>	<u>DC200004395U</u>	<u>Bldg. #407</u>
<u>DC200004395U</u>	<u>Bldg. #415</u>	<u>DC200004395U</u>	<u>Bldg. #406</u>
<u>DC200004395U</u>	<u>Bldg. #411</u>	<u>DC200004395U</u>	<u>Bldg. #105</u>
<u>DC200004395U</u>	<u>Bldg. #410</u>		

A license contractor pursuant to Section 10-5(2) of the Miami-Dade County Code must obtain the demolition permit within **thirty (30) days** from the date of the historic preservation approval.

Said structure shall be demolished by a licensed contractor pursuant to Section 10-5(2) of the Miami-Dade County Code with a demolition permit obtained through the Unsafe Structures Unit, within **one hundred twenty (120) days** from the date the demolition permit is obtained. All debris resulting from the demolition shall be removed from the premises. If any of the above conditions are not complied with, the Unsafe Structures Board shall retain jurisdiction to consider in its discretion any petition relating to the enforcement of this order. Any person aggrieved by a decision of the Unsafe Structures Board may seek judicial review of that decision in accordance with the Florida Rules of Appellate Procedure. The Board's retention of jurisdiction for this limited purpose shall also be without prejudice to Miami-Dade County's ability to pursue an alternate remedy in the Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida.

IF AT ANY TIME, INCLUDING WITHOUT LIMITATION ANY TIME DURING THE PENDENCY OF THE ABOVE PERIODS, A HURRICANE WARNING IS POSTED FOR MIAMI-DADE COUNTY, ANY AND ALL OCCUPANTS ARE HEREBY ORDERED TO IMMEDIATELY VACATE AND SECURE THE BUILDINGS. THE BUILDING OFFICIAL IS HEREBY EMPOWERED, IN HIS DISCRETION AND OR TO THE EXTENT ALLOWED BY LAW, TO FORCIBLY EVACUATE OR CAUSE THE FORCIBLE EVACUATION OF ALL OCCUPANTS, IN SUCH EVENT.

Mr. Roig stated that he has only dealt with the Aviation Department who are the owners of the property and they will inform the tenants. He added that the tenants would be remove and put in other buildings.

Asst. County Attorney, Bruce Libhaber stated that the Board can hear from anyone that has an interest in the property and the Board Order remains with the structure.

Mr. Max Fajardo confirmed that there is no disagreement to the order between the Aviation Department and the Building Department.

Mr. Bernard Jennings, Director of Tenants- 6 -Association stated that he felt that the order presented would create hardship for the tenants. He informed the members that there

are no formal agreements to relocate the tenants, who bring in 39 million dollars.

Mr. Max Fajardo stated that they would provide temporary trailers for the tenants, but economically these buildings can not be repaired and also there are four buildings that are vacant at the present moment. Mr. Fajardo added that there is a pending approval of a lease for a developer.

Mr. Bernard Jennings expressed concerns and stated that the County should pay for the relocation of the tenants, since they are the ones that did not obtain the certification. He also challenges the studies made by the owner and informed the Board that they were told they could not hire an engineer.

Asst. County Attorney, Bruce Libhaber stressed to the members that their primary concern was whether or not these buildings are unsafe.

Mrs. Carol Ann Klein stated that these buildings are old and four developments were rewarded to the Board of County Commissioners.

Mr. Bruce Green stated that the landlord has the obligation to maintain the structures, since the tenants have millions of dollars invested. He added that the real issue is that re-development is trying to be made and it is more than the Aviation is admitting to.

After much discussion, Mr. Cueva requested a motion. Mrs. Loy made a motion that the four buildings previously vacant should be demolished according to the Board read by Mr. Roig and the other buildings are deferred for sixty (60) days. Motion seconded by Mr. Crooks.

**Motion carried. (Mr. Williams was opposed).**

*(For a verbatim version, please refer to the transcripts)*

Mr. Roig informed the Board that the Airport's engineer would certify these buildings, since certain ones are worse than others and the tenants can remain while the repairs are being made.

Mr. Roig then proceeded to read the agreement for the following structures:

**Demolition Order #3**

<u>DC200004395U</u>	<u>Bldg. #137</u>	<u>DC200004395U</u>	<u>Bldg. #114</u>
<u>DC200004395U</u>	<u>Bldg. #121</u>	<u>DC200004395U</u>	<u>Bldg. #66</u>
<u>DC200004395U</u>	<u>Bldg. #209</u>	<u>DC200004395U</u>	<u>Bldg. #61</u>
<u>DC200004395U</u>	<u>Bldg. #150</u>	<u>DC200004395U</u>	<u>Bldg. #102</u>
<u>DC200004395U</u>	<u>Bldg. #101</u>	<u>DC200004395U</u>	<u>Bldg. #119</u>

Said structure(s) will be vacated within **thirty (30)** days and secured within **sixty (60)** days of the date of the Board Order. The following securing method is approved: Fencing. The Structure(s) are to be maintained secure, clean and sanitary. In the event the property owner decides to maintain occupancy of the structure(s) during the repair period, the owner will provide to the Building Official within **thirty (30)** days of the date of the Board Order a detailed report signed and sealed by a Florida registered professional engineer to the satisfaction of the Building Official that adequate precautions will be taken to ensure the safety of the occupants who will remain in the building while repairs are completed.

The Structure(s) must be repaired or completed. A building permit must be obtained for all repairs or items to be completed. The permit documents must first be submitted to the Unsafe Structures Unit for

approval. The building permit must be obtained by a licensed contractor pursuant to Section 10-5(2) of the Miami-Dade County Code within **one hundred and eighty days (180)** from the date of the Board Order.

Within **one hundred and eighty (180)** days after obtaining the permit(s), the owner shall submit to the Building Official a report signed and sealed by a Florida registered professional engineer in accordance with Section 104.9 of the South Florida Building Code re-certifying the structural and electrical components of the buildings. In the event the 40-year Re-Certification report is not submitted to the Building Official, the building shall be demolished.

If any of the above conditions are not complied with, the Unsafe Structures Board shall retain jurisdiction to consider in its discretion any petition relating to the enforcement of this order. Any person aggrieved by a decision of the Unsafe Structures Board may seek judicial review of that decision in accordance with the Florida Rules of Appellate Procedure. The Board's retention of jurisdiction for this limited purpose shall also be without prejudice to Miami-Dade County's ability to pursue an alternate remedy in the Eleventh Judicial Circuit Court in and for Miami-Dade County, Florida.

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After some discussion, Mrs. Loy made a motion to accept the agreement as presented by Mr. Roig. Motion seconded by Mr. Childs.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the transcripts)*

Mr. Edward Villareal presented the last case at Opa Locka Airport.

**Case No.**

**Address**

DC200003814U

14200 N.W. 42 Avenue

Mr. Villareal went on to add that this case is not for a 40-year re-certification and informed the members that these are hangers that are 1-story steel buildings built without permits 13 years ago. Mr. Villareal stated that these hangers have since been removed to another location without a permit, which the South Florida Building Code requires that a permit be pulled and essentially these hangers have to be legalized or removed. He recommended demolition.

Mr. Ted Bartlestone stated that these are new buildings and the lease provides for the owner to fix and provide hanger space. He informed the Board that these hangers cost about \$50,000 a piece and they can be corrected through the South Florida Building Code. He further requested of the Board four (4) months to bring the buildings up to Code.

After some discussion, Mr. Childs made a motion that the appellant be given six (6) months to get a Certificate of Occupancy from Unincorporated Miami-Dade County. Motion seconded by Mr. Williams.

**Motion passed unanimously.**

*(For a verbatim version, please refer to the- 8 -transcripts)*

There being no further business, the meeting was adjourned at 4:00 P.M.

**Prepared by:** \_\_\_\_\_  
**Recording Secretary**

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**Chairperson**

**Date:** \_\_\_\_\_